

Subject: Elections

Date Approved/Last Revised: **April 2007**

Responsible Body: **Policy Committee**

References: **Bylaws Article II, Section 2.09; Article VII, Section 7.06; Article VIII; Article IX; Election Manual, Committee Charters, SNFC Leafletting/Tabling Guidelines.**

Overview

The Sacramento Natural Food Cooperative (SNFC) Bylaws specify that SNFC will conduct annual elections (using mailed ballots) to fill positions on the Board and to allow voting by the ownership on initiatives, referenda, advisory surveys, bylaw changes, and recalls if necessary. This policy is intended to meet the mandates specified in Bylaws section 9.02 and other related sections, and to provide additional guidance as necessary to ensure that elections are conducted fairly and consistently. In addition to this policy, an Election Manual provides detail on procedures related to elections. Where Bylaws section 9.02 refers to the Election Code, it is understood that it refers to this Election Policy and the Election Manual as a unit.

It is SNFC policy that elections are conducted in an open and fair manner. As such:

- Election information, materials, and deadlines are made available to SNFC owners by all practical means.
- Information for owners on how to participate in SNFC's democratic processes (e.g., candidate information, how to put a measure on the ballot, petition procedures, etc.) is made readily available in language that is clear and easy to understand.
- Campaign practices are spelled out in this policy to ensure a level playing field.
- Results of elections and resulting changes in Bylaws or other policies are posted promptly in the stores and made available to members by other practical means.

Procedures. The mechanics of planning and conducting elections (and all related activities such as nominations and placing measures on the ballot) are contained in the Election Manual maintained by SNFC staff and reviewed by the Policy Committee with the assistance of the Election Committee. Specific duties and tasks of committees are spelled out in the committee charters and in the Election Manual. The procedures are designed to ensure that the election is conducted consistently, fairly, and accurately as required by the Bylaws and this policy.

Definitions. The following definitions are pertinent to this policy and not defined elsewhere. Other pertinent definitions may be found in the Bylaws.

- **Election Day.** The last day upon which ballots may be received in the store or postmarked.
- **Employee.** Any exempt or nonexempt paid employee of SNFC. A consultant shall not be considered an employee.

Eligibility for Owner Participation in Elections

Only active owners of SNFC (as defined in the SNFC Bylaws section 2.09) may vote, run for the Board, sponsor a measure, sign a petition, challenge an election, or serve on a committee. Specific "active membership" dates related to elections are:

- **Voting.** In order for his/her vote to count, the owner must be active on election day (as defined above.)
- **Signing Petitions.** Signatures on petitions will be considered valid only if the owner is active on the day the petition is submitted.
- **Eligibility for Board candidacy** is spelled out in SNFC Bylaws section 7.01.

- **Sponsoring a measure.** To sponsor a measure, the owner must be active on the day the measure is submitted

Types of Elections

There are three types of elections that may be conducted by SNFC:

General Election. A general election is the annual election held primarily to fill seats on the Board of Directors and to vote on measures submitted by the ownership and by the Board. Whenever possible, measures to be submitted to a vote of the ownership shall be included in the general election in order to conserve the resources of the Co-op.

Special Election. The Board of Directors may, by majority vote, call a special election if it determines that the matter at hand cannot be held for the next general election. The election cycle scheduling for a special election is the same as for general elections, except that the Board determines when the cycle will begin.

Emergency Election. The Board may, by majority vote, declare any measure to be subject to an emergency election, which has an abbreviated time frame spelled out in Bylaws section 9.04. Recall elections are required to be conducted as emergency elections.

Nominations for the Board of Directors

There are several ways to become a candidate for the Board of Directors as described in Bylaws section 8.02.

Candidates wishing to be nominated by the Board Candidate Development and Nominating Committee (per Bylaws section 8.02a) must follow the procedures in the candidate packet, which is maintained and distributed by the committee.

Measures Submitted to the Voters

Information about the various types of measures that can be submitted by owners or by the Board to a vote of the owners, and the avenues for doing so, is contained in the SNFC Bylaws sections 9.05, 9.06, and 9.07.

Review. The Policy Committee reviews each measure as required in SNFC Bylaws section 9.05b.

Sponsorship. Each measure must have a sponsor who is responsible for:

- Ensuring that authorized campaign practices are followed.
- Working with the Board and its committees to address any issues regarding the measure.

Arguments and Rebuttals. SNFC provides for arguments (pro and con statements) and rebuttals concerning all measures. The following policies apply:

- Only one argument in support of and one argument in opposition to any measure will be put forward to the ownership. If more than one pro or con argument is received, the first argument received is presented to the voters unless the sponsors collaborate to submit a single argument prior to the deadline.
- No person may submit both an argument in support of and an argument in opposition to the same measure.
- An owner who has signed a petition for a measure may not submit an argument against that measure.
- A Board member may not submit an argument against a measure submitted by the Board.
- When arguments are submitted both in support of and in opposition to a measure, rebuttals may be submitted by the author(s) of the arguments, and only by those authors.

Advisory Surveys. Section 9.07 of the Bylaws provides for “advisory surveys” as a way for the Board to get member input on an issue. The Board may set the schedule and design the voting process for advisory surveys on a case-by-case basis to best meet the needs of SNFC.

Recall of Directors

SNFC Bylaws section 9.04 provides a process by which an active owner may initiate a recall of a member of the Board of Directors through an emergency election or at a owners' meeting. If the emergency election process is initiated, the affected director has the right to submit a written statement of defense, to be provided to the owners by the same means used to publicize other election information.

Authorized Campaign Practices

Campaigning is defined as promotion or other discussion of any candidate, measure, or recall petition; distribution of any material regarding a candidate or measure; or collection of signatures on a petition for a candidate, measure, or recall. Each candidate or sponsor(s) of a petition is responsible for the conduct of her/his campaign.

SNFC funds may not be used for campaigning as specified in Bylaws section 9.02d. Election-related materials may be posted on the store premises only by the Election Committee and designated staff. Owners are free to produce and distribute other campaign literature within the restraints of this policy. SNFC will not supply owner contact information to any individual for the purposes of campaigning. Owner contact information may be used by appointees of the Board to promote participation in an election.

The newsletter may include candidate statements and the arguments and rebuttals in respect to any issue, but must print them as accepted by the Election Committee. Any editorial commentary must include equal representation of all candidates or sides of an issue.

Campaigning must not interfere with the conduct of meetings or the operation of the stores. As such, campaigning may not be conducted within the store or during any SNFC function, unless the function, or portion of the function, is designed specifically to allow member discussion of candidates or measures. Campaigning outside the store must not impede store operations. Specific restrictions are spelled out in the Election Manual and SNFC guidelines on tabling/leafleting.

Ballots

The ballot packet must be written and presented to the owners in accordance with Bylaws section 9.02 to ensure a secret ballot and to provide clear information to owners regarding the matters to be voted on and clear directions on how to submit a valid ballot.

All votes submitted by the voting deadline will be counted unless it is unclear whether the voter is eligible or what choices the voter has made. As such, the following policies apply to marking ballots and counting results:

- The election procedures shall ensure that an owner may only vote once, and that only votes by eligible owners are counted.
- If an owner votes for more candidates for the Board of Directors than there are seats to be filled, her/his vote for all candidates is considered invalid.
- If an owner marks more than one option (yes, no, abstain) for the same measure, her/his vote on that particular measure is considered invalid.
- An owner may request a replacement ballot for any reason before their ballot has been cast.

Disputes and Challenges

Tie Elections. In the event of a tie vote between candidates, the outcome will be decided by coin toss by the Election Chair. The candidate whose last name comes earlier in the alphabet will be heads, and the latter, tails. In the event of a tie on a ballot measure that is not a bylaws change or advisory survey, the same policy will apply. Aye will be heads and nay will be tails.

Questions and disputes regarding the election process. In the event of a dispute or question on how to handle a particular election-related situation, the appropriate committee (Policy, Board Candidate Development and Nominating, or Election) shall determine the solution that is closest to the intent of the Election Policy and Bylaws.

Challenges to the election results. Any active SNFC owner may file a challenge to an election according to the election procedures. The Board will determine if the challenge has merit, and if so, will hear evidence offered by the involved parties regarding:

- Whether the election was improperly administered or unauthorized campaign practices were committed.
- Whether that improper administration or an unauthorized practice prejudiced the outcome of the election.

If the Board determines that improper administration of the election or an unauthorized campaign practice has prejudiced the outcome of the election, the Board may fashion a remedy that serves the best interests of SNFC.

Election Manual

The Election Manual is a collection of materials that provides detailed information to SNFC staff, Board committees, and owners about how elections are conducted. The materials in the manual shall be reviewed at least annually following the election, and updated as necessary to ensure they comply with the Bylaws and this policy; accurately reflect how elections are conducted; and provide adequate guidance to staff, committees, and owners.

The manual shall include, but is not limited to, the following:

- A template for the election cycle schedule.
- Detailed schedule of election-related activities.
- Templates and/or samples of ballots and ballot packets, election-related *Reporter* materials, store signage, etc.
- Detailed procedures and responsibilities for conducting the election, including review of petitions and arguments, ballot preparation and handling, validation/verification of ballots, and tabulation and reporting of results.
- Detailed procedures, requirements, and responsibilities for election-related communications to the owners through the *Co-op Reporter*, web site, in-store displays, and mailings.
- Detailed requirements for owners related to elections, including those for submitting petitions, measures, arguments, rebuttals, etc.
- A candidate packet, which includes at a minimum:
 - The election schedule for the current year.
 - Procedures/requirements for candidates to follow in order to be nominated by any of the methods outlined in the Bylaws.
 - Required forms for nomination.
 - Information about the requirements to serve on the Board and the Board's duties and commitments.
 - Information on activities, responsibilities, and opportunities for candidates once nominated (e.g., candidate statements, photos, meetings, campaign guidelines, etc.)
 - A list of resources for potential candidates who want to learn more (e.g., Bylaws, policies, Challenges to the Cooperative Board of Directors, people to talk to, meetings, etc.)
- Charters for the Election and Board Candidate Development and Nominating Committees.
- Information designed specifically for owners on how they can participate in the democratic process at SNFC, including:
 - General information about how someone gets on the Board.
 - How to put a measure on the ballot.

- How to challenge an election.
- How to recall a director.
- How to bring an issue or idea to the attention of the Board or Management.